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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/582,275 | 09/12/2008 | Stephan Gneuss | 24260 | 4779 |
| 535 | 7590 | 05/02/2011 | | |
| KF ROSS PC 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900 | | | EXAMINER PALMER, TIFFANY | |
| | | | ART UNIT 1776 | PAPER NUMBER |
| | | | NOTIFICATION DATE 05/02/2011 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EMAIL@KFRPC.COM
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Office Action Summary

Application No.

10/582,275

Applicant(s)

GNEUSS ET AL.

Examiner

TIFFANY N. PALMER

Art Unit

1776

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 6/10/2006, 12/6/2009

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaller et al (US Patent Number 6,325,922 B1).

3. Regarding Claims 8-10, Schaller et al teach a melt filter for cleaning a plastic melt issuing from an extruder, the filter comprising

a wheel (1) rotatable about an axis and having an outer rim and a plurality of spokes forming an annular array of axially open spaces (cavities 2, Fig 1a);

a pair of housing plates (blocks 40, 41, Fig 3) axially sandwiching and completely covering the wheel and forming offset from the axis a melt passage extending axially through the wheel at the spaces;

removable filter elements (43, Fig 2) braced axially against the wheel at the spaces between the spokes, one of the plates being formed with an edge cutout (opening 29, Fig 2) of a dimension greater than an angular width of one of the filter elements and smaller or equal to twice this angular width, whereby filter elements can be removed from the wheel at the cutout; and

a ratchet drive (20, Fig 2) engaging the rim and operable to angularly move the wheel about the axis in steps,

wherein the one housing plate has a part that can cover and close (Col 6, lines 62-64) the cutout during normal operation of the melt filter and that can open and uncover the cutout for changing a filter element, wherein an angular spacing between the passage where it passes through the disk and the cutout is at least equal to the angular filter-element width element plus an angular dimension of one of the spokes and at most equal to twice the angular filter-element width (29, Fig 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaller et al (US Patent Number 6,325,922 B1).

7. Regarding Claims 11-14, Schaller et al do not explicitly teach an area of the disk through which the melt flows is between 12% and 18% of a total area of the disk, wherein an area of the disk through which the melt flows is between 14% and

16% of a total area of the disk, wherein each step of the disk exposes a fresh area of the filter disk equal to at most 10% of a total area of the disk, or wherein each step of the disk exposes a fresh area of the filter disk equal to between 6% and 7% of a total area of the disk.

8. However, "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." See *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The discovery of an optimum value of a known result effective variable, without producing any new or unexpected results, is within the ambit of a person of ordinary skill in the art. See *In re Boesch*, 205 USPQ 215 (CCPA 1980) (see MPEP § 2144.05, II.).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to carry out the experimentation necessary to determine the optimum ranges of exchanging area needed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIFFANY N. PALMER whose telephone number is (571)270-3666. The examiner can normally be reached on Monday-Friday 8:30am-5pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duane Smith/
Supervisory Patent Examiner, Art
Unit 1776

TNP